

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Kathleen Rose Lambert

CASE NO. 10-21752

Moving Party:	Wachovia Mortgage FSB
Respondent (if any):	Kathleen Rose Lambert
Counsel for Moving Party:	Martha E. Von Rosenstiel, Esq.
Address:	649 South Avenue, Unit 6, P.O. Box 307
Phone#	Secane PA 19018 (610)-328-2887 x 10
Counsel for Respondent:	Jon A. Cwalina, Esquire 401 Wood Street, Third Floor Pittsburgh PA 15222 (412)-456-4500

Form of Action: Motion of Wachovia Mortgage FSB for Relief from the Automatic Stay

TO THE CLERK OF THE BANKRUPTCY COURT:

Please take the following action with respect to the above-referenced document:

1. File and docket
2. Provide Notice of Hearing and Order Requiring an Answer.

/s/Martha E. Von Rosenstiel
Martha E. Von Rosenstiel, P.C.
649 South Avenue, Unit 6
P.O. Box 307
Secane, PA 19018
(610)328-2887 ext 10
Attorney I.D. #52634

Dated:3/26/10

UNITED STATES BANKRUPTCY COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Date: 3/26/10

/s/Martha E. Von Rosenstiel, Esquire
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UNITED STATES BANKRUPTCY COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: Kathleen Rose Lambert	:	BANKRUPTCY NO. 10-21752
	:	
Wachovia Mortgage FSB	:	CHAPTER 7
(movant)	:	
v.	:	Docket No..
Kathleen Rose Lambert	:	
(respondent)	:	
Robert Shearer	:	
(additional respondent)	:	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362(d) OF THE
BANKRUPTCY CODE OF 1978**

The Motion of Wachovia Mortgage FSB, movant herein, represented herein by Wachovia Mortgage FSB, its servicing agent, respectfully represents:

1. Kathleen Rose Lambert, respondents herein, filed a bankruptcy petition under Chapter 7 of the Bankruptcy Code on March 16, 2010 under Bankruptcy No. 10-21752. The debtors have continued in possession of the property.
2. Movant is a secured creditor by reason of debtors having executed and delivered a mortgage on premises 2033 Palm Avenue Chico CA 95926 to World Savings Bank FSB on September 6, 2007, in the amount of \$215,000.00 at an adjustable rate of interest, which mortgage is recorded in the Office of the Recorder of Deeds of Butte County California on September 12, 2007 in Mortgage Book 2007-0043649.

A copy of the mortgage is attached hereto.

3. The mortgage has since been assigned to movant herein by written assignment which is recorded in the Office of the Recorder of Deeds of Butte County California.
4. A copy of the Record Owner Lien Certificate which was received at the time of the inception of the mortgage foreclosure action is attached hereto.
5. As of the date of the filing of bankruptcy on March 16, 2010, was the holder of a secured claim against the debtors for unpaid pre-petition principal, interest, late charges and penalties, tax/insurance disbursements and unpaid foreclosure fees and costs. As of this date the total amount due to payoff the aforementioned mortgage is \$245,377.94.

6. Debtor's loan is contractually due as follows:

July, 2009 through September, 2009 at \$943.54 per month	\$2,830.62
Late Charges at \$47.18 per month	\$ 141.54
October, 2009 through March, 2010 at \$1,014.30	\$6,085.80
Late Charges at \$50.72 per month	\$ 304.32

7. An Appraisal dated November 17, 2009 lists the premises being valued at \$180,000.00 in as is condition. A copy of the Brokers Price Opinion is attached hereto.

8. The debtor has submitted a statement of intention stating that she intends to surrender the premises.

9. If movant is not permitted to foreclose its mortgage on said premises, it will suffer irreparable injury, loss and damage.

WHEREFORE, Movant prays that upon final hearing of this Motion, the stay pursuant to 11 U.S.C. Section 362 be modified to permit it to foreclose on premises ,2033 Palm Avenue Chico CA 95926 and that it have such other and further relief as is just.

/s/Martha E. Von Rosenstiel, Esquire
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